



IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR M. P.

Writ Petition No. 2677 of 1994

Petitioners:

- (1) K.K. Singh, aged about 39 years,
son of Shri H.W. Singh,
Assistant Engineer, Municipal
Corporation, Raipur, M.P.
- (2) M.L. Kashyap, aged about 47 yrs.,
son of Shri D.R. Kashyap,
Sub-Engineer, Municipal Corporation,
Raipur, M.P.

Vs.

Respondents:

- (1) The State of Madhya Pradesh,
through the Secretary,
Department of Local Self Govt.,
Govt. of M.P., Bhopal, M.P.
- (2) Municipal Corporation, Raipur,
through its Commissioner,
Raipur, M.P.

WRIT PETITION UNDER ARTS. 226/227 CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2677 of 1994

Petitioners : K.K. Singh and another

Versus

Respondents : State of Madhya Pradesh and another

SB : **Hon'ble Shri Satish K. Agnihotri, J.**

Present: None appears for the petitioner.
None appears for the respondents.

ORDER

(Passed on this 21st day of February, 2007)

1. The petitioner, while working as Assistant Engineer in the office of the Municipal Corporation, Raipur, was transferred to Municipal Corporation, Ujjain vide impugned order dated 27.7.1994 (P/10).
2. The High Court of Madhya Pradesh vide interim order dated 8.8.94 has stayed the impugned order dated 27.7.1994, thereby the petitioner continued to remain at the old place of posting i.e. Municipal Corporation, Raipur.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge